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FILED IN OPEN COURT

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

FEB 24 2005

CHARLES R. DIARD, JR.
CLERK

UNITED STATES OF AMERICA

CRIMINAL NO. 05-00066-WJ

v.

USAO NO. 05R00102

JULIAN JAMAL SMITH, and
DARRELL PEOPLES

Violations: 21 USC § 846
21 USC § 841(a)(1)
18 USC § 924(c)
18 USC § 922(g)

INDICTMENT

THE GRAND JURY CHARGES:

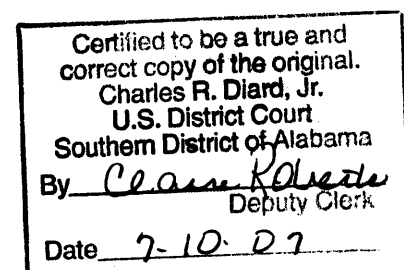
COUNT ONE

On or about February 12, 2005, in the Southern District of Alabama, Southern Division
and elsewhere, the defendants,

JULIAN JAMAL SMITH and
DARRELL PEOPLES

willfully, knowingly and unlawfully did combine, conspire, confederate and agree with each
other and with others, both known and unknown to the Grand Jury, to possess with intent to
distribute a Schedule II controlled substance, to-wit: more than 50 grams of a mixture and
substance containing a detectable amount of cocaine, in violation of Title 21, United States Code,
Section 841(a)(1).

In violation of Title 21, United States Code, Section 846.



COUNT TWO

On or about February 12, 2005, in the Southern District of Alabama, Southern Division,
the defendant,

JULIAN JAMAL SMITH

did knowingly and intentionally unlawfully possess with intent to distribute approximately 50
grams of a mixture and substance containing a detectable amount of cocaine, a Schedule II
controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE

On or about February 12, 2005, in the Southern District of Alabama, Southern Division,
the defendant,

DARRELL PEOPLES

did knowingly and intentionally unlawfully possess with intent to distribute approximately 13
grams of a mixture and substance containing a detectable amount of cocaine which contains
cocaine base, commonly known as crack cocaine, a Schedule II controlled substance, and
approximately 6 grams of a mixture and substance containing a detectable amount of cocaine, a
Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOUR

On or about February 12, 2005, in the Southern District of Alabama, Southern Division,

the defendant,

JULIAN JAMAL SMITH

during and in relation to a drug trafficking crime for which the defendant may be prosecuted in a Court of the United States, to-wit: possession with intent to distribute a mixture and substance containing a detectable amount of cocaine, a Schedule II controlled substance, as charged in Count 2 of this Indictment, a violation of Title 21, United States Code, Section 841(a)(1), did knowingly use and carry two firearms, to wit: a Glock, .40 S & W caliber, semi-automatic pistol, model 22, serial number CPR498; and a Universal, .30 Carbine caliber, semi-automatic rifle, Model M1, serial number 398415.

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FIVE


On or about February 12, 2005, in the Southern District of Alabama, Southern Division and elsewhere, the defendant,

JULIAN JAMAL SMITH

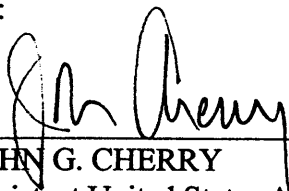
having been convicted of a crime punishable by imprisonment for a term exceeding one (1) year, to-wit: Possession of Cocaine, on December 1, 2004, in the Circuit Court of Monroe County, Alabama, Case Number CC03-157; did knowingly possess in and affecting commerce a firearm, namely, a Glock, .40 S & W caliber, semi-automatic pistol, model 22, serial number CPR498.

In violation of Title 18, United States Code, Section 922(g)(1).

A TRUE BILL


FOREMAN UNITED STATES GRAND JURY
SOUTHERN DISTRICT OF ALABAMA

DAVID P. YORK
UNITED STATES ATTORNEY
by:


JOHN G. CHERRY
Assistant United States Attorney


GREG A. BORDENKIRCHER
Assistant United States Attorney
Chief, Criminal Division

FEBRUARY 2005

AO 245B (Rev. 12/03) Judgment in a Criminal Case: Sheet 1 (7797)

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF ALABAMA

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

JULIAN JAMAL SMITH

CASE NUMBER: **1:05-CR-00066-001-WS**
USM NUMBER: **08974-003**

THE DEFENDANT:

Vader Al Pennington
Defendant's Attorney

- (X) pleaded guilty to count(s) Two and Five of the Indictment.
() pleaded nolo contendere to count(s) __ which was accepted by the court.
() was found guilty on count(s) __ after a plea of not guilty.

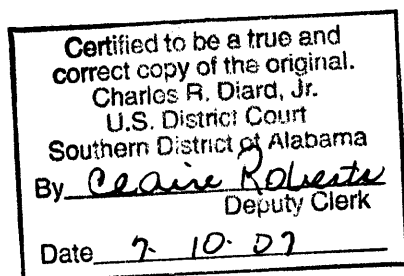
ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count No.(s)</u>
21:841(a)(1)	possession with intent to distribute cocaine	2/12/2005	Two
18:922(g)(1)	felon in possession of a firearm	2/12/2005	Five

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- () The defendant has been found not guilty on count(s) __.
(X) Count(s) One and Four are dismissed on the motion of the United States.

IT IS FURTHER ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.



April 24, 2006

Date of Imposition of Judgment

s/WILLIAM H. STEELE

UNITED STATES DISTRICT JUDGE

May 4, 2006

Date

AO 245B (Rev. 12/03) Judgment in a Criminal Case: Sheet 2 - Imprisonment

Defendant: **JULIAN JAMAL SMITH**

Case Number: **1:05-CR-00066-001-WS**

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **30 MONTHS as to each of Counts Two and Five; said terms to run concurrently.**

☐ Special Conditions:

☒ The court makes the following recommendations to the Bureau of Prisons: **that the defendant be allowed to participate in residential, comprehensive substance abuse treatment while incarcerated; and, that the defendant be incarcerated as close to his family in Monroeville, Alabama, as possible.**

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at ____ a.m./p.m. on ____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on ____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____

with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

AO 245B (Rev. 12/03) Judgment in a Criminal Case: Sheet 3 - Supervised Release

Defendant: **JULIAN JAMAL SMITH**

Case Number: **1:05-CR-00066-001-WS**

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of **THREE (3) YEARS as to each of Counts Two and Five; said terms to run concurrently.**

(X) Special Conditions: **the defendant shall participate in a program of testing and treatment for drug and/or alcohol abuse as directed by the Probation Office.**

For offenses committed on or after September 13, 1994: The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

- ()** The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable)
- ()** The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable)
- ()** The defendant shall participate in an approved program for domestic violence. (Check, if applicable)
- (X)** **The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.**

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment. The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not illegally possess a controlled substance.

The defendant shall comply with the standard conditions that have been adopted by this court (Probation Form 7a).

The defendant shall also comply with the additional conditions on the attached page (if applicable).

**See Page 4 for the
"STANDARD CONDITIONS OF SUPERVISION"**

AO 245B (Rev. 12/03) Judgment in a Criminal Case: Sheet 3 - Supervised Release

Defendant: **JULIAN JAMAL SMITH**

Case Number: **1:05-CR-00066-001-WS**

SUPERVISED RELEASE

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement;
- 14) the defendant shall cooperate, as directed by the probation officer, in the collection of DNA, if applicable, under the provisions of 18 U.S.C. §§ 3563(a)(9) and 3583(d) for those defendants convicted of qualifying offenses.

AO 245B (Rev. 12/03) Judgment in a Criminal Case: Sheet 5, Part A - Criminal Monetary Penalties

Defendant: **JULIAN JAMAL SMITH**

Case Number: **1:05-CR-00066-001-WS**

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth on Sheet 5, Part B.

	Assessment	Fine	Restitution
Totals:	<u>\$200.00</u>		

- () The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such a determination.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. **(or see attached)** However, pursuant to 18 U.S.C. § 3644(i), all non-federal victims must be paid in full prior to the United States receiving payment.

- () The defendant shall make restitution to the following payees in the amounts listed below.

<u>Name(s) and</u> <u>Address(es) of Payee(s)</u>	<u>*Total</u> <u>Amount of Loss</u>	<u>Amount of</u> <u>Restitution Ordered</u>	<u>Priority Order</u> <u>or % of Payment</u>
--	--	--	---

<u>TOTALS:</u>	\$ _____	\$ _____
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- () If applicable, restitution amount ordered pursuant to plea agreement. \$
- () The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 5, Part B may be subject to penalties for default, pursuant to 18 U.S.C. § 3612(g).

- () The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- () The interest requirement is waived for the () fine and/or () restitution.
- () The interest requirement for the () fine and/or () restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

AO 245B (Rev. 12/03) Judgment in a Criminal Case: Sheet 5, Part B - Schedule of Payments

Defendant: **JULIAN JAMAL SMITH**

Case Number: **1:05-CR-00066-001-WS**

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 200.00 due immediately, balance due
☐ not later than _____, or ☐ in accordance with ☐ C, ☐ D, ☐ E or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, ☐ E or ☐ F below);
or
- C ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in _____ (e.g., equal, weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise in the special instructions above, if this judgment imposes a period of imprisonment payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalty payments, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are to be made to the clerk of court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant will receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several:
- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment; (2) restitution principal; (3) restitution interest, (4) fine principal; (5) community restitution, (6) fine interest (7) penalties, and (8) costs, including cost of prosecution and court costs.

U.S. District Court
Southern District of Alabama (Mobile)
CRIMINAL DOCKET FOR CASE #: 1:05-cr-00066-WS-M-1
Internal Use Only

Case title: USA v. Smith et al

Date Filed: 02/24/2005

Date Terminated: 05/04/2006

Assigned to: Judge William H. Steele
Referred to: Magistrate Judge Bert W.
Milling, Jr

Defendant

Julian Jamal Smith (1)

TERMINATED: 05/04/2006

represented by **Vader Al Pennington**

P.O. Box 40361

Mobile, AL 36640

(251) 438-5884

Fax: 2514384693

Email: vap@law-linc.com

LEAD ATTORNEY

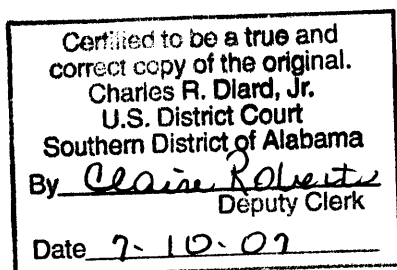
ATTORNEY TO BE NOTICED

Designation: Retained

Pending Counts

NARCOTICS - POSSESSION

(2)



**FELON IN POSSESSION OF
FIREARM**

(5)

Disposition

Defendant is hereby committed to the BOP for a term of 30 MONTHS as to Counts Two and Five; said terms to run concurrently. It is recommended to the BOP that defendant participate in residential, comprehensive substance abuse treatment while incarcerated and that he be incarcerated as close to his family in Alabama as possible. SRT THREE (3) as to Counts Two and Five; said terms to run concurrently. Special Conditions: defendant is to participate in a program of testing and treatment for drug and/or alcohol abuse as directed by the Probation Office. SA \$200.00

Defendant is hereby committed to the BOP for a term of 30 MONTHS as to Counts Two and Five; said terms to run

concurrently. It is recommended to the BOP that defendant participate in residential, comprehensive substance abuse treatment while incarcerated and that he be incarcerated as close to his family in Alabama as possible. SRT THREE (3) as to Counts Two and Five; said terms to run concurrently. Special Conditions: defendant is to participate in a program of testing and treatment for drug and/or alcohol abuse as directed by the Probation Office. SA \$200.00

Highest Offense Level (Opening)

Felony

Terminated Counts

CONSPIRACY TO POSSESS
NARCOTICS

(1)

USE/CARRY/POSSESSION OF A
FIREARM IN FURTHERANCE OF A
DRUG TRAFFICKING CRIME

(4)

Highest Offense Level (Terminated)

Felony

Complaints

None

Plaintiff

USA

Disposition

Dismissed on Government's Motion.

Dismissed on Government's Motion.

Disposition

represented by **E. T. Rolison, Jr.**

U.S. Attorney's Office
63 S. Royal St., Rm. 600
Mobile, AL 36602
(334) 441-5845
Fax: 2514415277

Email: elmond.rolison@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

John G. Cherry, Jr.
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 63 S. Royal St., Rm. 600
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 (334) 441-5845
 Fax: 2514415277
 Email: john.g.cherry@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/24/2005	<u>1</u>	INDICTMENT as to Julian Jamal Smith-counts 1,2,4,5 & Darrell Peoples-counts 1 & 3.Count 1: CONSPIRACY TO POSSESS WITH INTENT TO DISTRIBUTE COCAINE; Counts 2 & 3: POSSESSION WITH INTENT TO DISTRIBUTE COCAINE; Count 4: USE/CARRY/POSSESSION OF A FIREARM IN FURTHERANCE OF A DRUG TRAFFICKING CRIME; Count 5: FELON IN POSSESSION OF FIREARM (Attachments: # <u>1</u> Penalty Pages) (mpp) (Entered: 02/25/2005)
02/28/2005	<u>2</u>	Petition for Writ of Habeas Corpus ad prosequendum by USA as to Julian Jamal Smith. (Cherry, John) (Entered: 02/28/2005)
02/28/2005	<u>3</u>	(Court only) Praeipe for Warrant filed by USA as to Julian Jamal Smith (Cherry, John) (Entered: 02/28/2005)
02/28/2005	<u>2</u>	REFERRAL OF <u>2</u> Petition for Writ of Habeas Corpus ad prosequendum as to Julian Jamal Smith, to Judge Milling NOTE: There is no image for this entry. (srr,) (Entered: 02/28/2005)
03/01/2005	<u>5</u>	(Court only) Arrest Warrant Issued as to Julian Jamal Smith and given to USM for service. (srr,) (Entered: 03/01/2005)
03/02/2005	<u>7</u>	ORDER granting <u>2</u> Motion for Writ of Habeas Corpus ad prosequendum as to Julian Jamal Smith (1) Arraignment set for 3/16/2005 02:00 PM in Courtroom 3B before Magistrate Judge Bert W. Milling Jr. Writ issd on given to USM for service. Signed by Judge Bert W. Milling Jr. on 3/2/05. (srr,) (Entered: 03/02/2005)
03/04/2005	<u>8</u>	MOTION for Leave to Appear as counsel Attorney: Vader A. Pennington. by Julian Jamal Smith. (Pennington, Vader) (Entered: 03/04/2005)
03/04/2005		(Court only) ***Motions terminated as to Julian Jamal Smith: <u>8</u> MOTION for Leave to Appear as counsel Attorney: Vader A. Pennington. filed by Julian Jamal Smith (should have been entered as a Notice of Appearance) (mbp,) (Entered: 03/04/2005)

03/07/2005	● <u>9</u>	MOTION for Bond by Julian Jamal Smith. (Pennington, Vader) (Entered: 03/07/2005)
03/07/2005	●	REFERRAL OF <u>9</u> MOTION for Bond as to Julian Jamal Smith to Judge Milling (mbp,) (Entered: 03/07/2005)
03/07/2005	● <u>10</u>	MOTION to Detain by USA as to Julian Jamal Smith. (Cherry, John) (Entered: 03/07/2005)
03/07/2005	●	REFERRAL OF <u>10</u> MOTION to Detain as to Julian Jamal Smith to Judge Milling (mbp,) (Entered: 03/07/2005)
03/07/2005	● <u>12</u>	Arrest Warrant Returned Executed on 3/3/05 as to Julian Jamal Smith. (tgw,) (Entered: 03/09/2005)
03/08/2005	● <u>11</u>	ORDER as to Julian Jamal Smith re <u>9</u> MOTION to Set Conditions of Release filed by Julian Jamal Smith, <u>10</u> MOTION for Detention filed by USA. Arraignment set for 3/9/2005 10:30 AM in Courtroom 3B before Magistrate Judge Bert W. Milling Jr. Motion to Set Conditions for Release and Detention Hearing set for 3/9/2005 10:30 AM in Courtroom 3B before Magistrate Judge Bert W. Milling Jr. Signed by Judge Bert W. Milling Jr. on 3/8/05. (clr,) (Entered: 03/08/2005)
03/09/2005	●	Minute Entry for proceedings held before Judge Bert W. Milling Jr.:Initial Appearance as to Julian Jamal Smith held on 3/9/2005 (FTR Recording.) (clr,) (Entered: 03/09/2005)
03/09/2005	●	Minute Entry for proceedings held before Judge Bert W. Milling Jr.:Arraignment as to Julian Jamal Smith held on 3/9/2005 (FTR Recording.) (clr,) (Entered: 03/09/2005)
03/09/2005	●	Minute Entry for proceedings held before Judge Bert W. Milling Jr.:Detention Hearing as to Julian Jamal Smith held on 3/9/2005 (FTR Recording.) (clr,) (Entered: 03/09/2005)
03/09/2005	●	Attorney update in case as to Julian Jamal Smith. Attorney Vader Al Pennington added. (mca,) (Entered: 03/10/2005)
03/09/2005	● <u>14</u>	Order on Initial Appearance as to Julian Jamal Smith. The Court ORDERED the deft detained . Signed by Judge Bert W. Milling Jr. on 3/9/05. (mca,) (Entered: 03/10/2005)
03/09/2005	● <u>15</u>	Order on Arraignment as to Julian Jamal Smith. Jury Selection set for 5/2/2005 08:45AM. Pretrial Motions due by 3/21/2005. Probation Conference set for 3/29/2005 08:30 AM. Pretrial Conference set for 4/7/2005 10:00 AM in Chambers before Magistrate Judge Bert W. Milling Jr. Signed by Judge Bert W. Milling Jr. on 3/9/05. (mca,) (Entered: 03/10/2005)
03/09/2005	● <u>16</u>	ORDER OF DETENTION PENDING TRIAL as to Julian Jamal Smith . Signed by Judge Bert W. Milling Jr. on 3/9/05. (mca,) (Entered: 03/10/2005)

04/04/2005	● <u>23</u>	Report on Probation Office Conference as to Julian Jamal Smith (bkj,) (Entered: 04/04/2005)
04/06/2005	● <u>25</u>	MOTION to Continue in Interest of Justice by Julian Jamal Smith. (Pennington, Vader) (Entered: 04/06/2005)
04/06/2005	●	REFERRAL OF <u>25</u> MOTION to Continue in Interest of Justice as to Julian Jamal Smith to Judge Steele (tgw,) (Entered: 04/06/2005)
04/07/2005	●	REFERRAL OF <u>25</u> MOTION to Continue in Interest of Justice as to Julian Jamal Smith to Judge Milling (tgw,) (Entered: 04/07/2005)
04/07/2005	●	Minute Entry for proceedings held before Judge Bert W. Milling Jr.:Pretrial Conference as to Julian Jamal Smith held on 4/7/2005 (vlh,) (Entered: 04/07/2005)
04/15/2005	● <u>27</u>	ORDER granting <u>25</u> Motion to Continue-Ends of Justice. Jury Selection set for 5/31/2005 08:45 AM in Courtroom 2A before Judge William H. Steele. Signed by Judge Bert W. Milling Jr. on 4/15/05.Copies to parties and Judge Bivins 4/15/05 (mbp,) (Entered: 04/15/2005)
04/26/2005	● <u>30</u>	WAIVER of Speedy Trial by Julian Jamal Smith (Pennington, Vader) (Entered: 04/26/2005)
04/27/2005	● <u>31</u>	ORDER as to Julian Jamal Smith entered that a Pretrial Conference is set for 5/9/2005 02:30 PM in Chambers before Magistrate Judge Sonja F. Bivins. Signed by Judge Sonja F. Bivins on 4/27/05.Copies to parties 4/27/05 (mbp,) (Entered: 04/27/2005)
05/09/2005	●	Minute Entry for proceedings held before Judge Sonja F. Bivins :Pretrial Conference as to Julian Jamal Smith held on 5/9/2005 (mjn,) (Entered: 05/24/2005)
05/10/2005	● <u>32</u>	ORDER as to Julian Jamal Smith Change of Plea Hearing set for 5/17/2005 10:30 AM in Courtroom 2A before Judge William H. Steele. Signed by Judge Sonja F. Bivins on 5/10/05.Copies to parties 5/10/05 (mbp,) Additional attachment(s) added on 5/16/2005 (mbp,). (Entered: 05/10/2005)
05/16/2005	● <u>33</u>	ORDER as to Julian Jamal Smith that the unopposed oral motion to continue the change of plea is GRANTED. Change of Plea Hearing RESET for 5/20/2005 09:30 AM in Courtroom 2A before Judge William H. Steele. Signed by Judge William H. Steele on 5/16/05.Copies to parties 5/16/05 (mbp,) (Entered: 05/16/2005)
05/19/2005	● <u>34</u>	ORDER as to Julian Jamal Smith Change of Plea Hearing RESET for 5/26/2005 10:30 AM in Courtroom 2A before Judge William H. Steele. Signed by Judge William H. Steele on 5/19/05.Copies to parties 5/20/05 (mbp,) (Entered: 05/20/2005)
05/26/2005	●	Minute Entry for proceedings held before Judge William H. Steele :Change of Plea Hearing as to Julian Jamal Smith held on 5/26/2005 (Court Reporter Mary Frances Giattina.) (mbp,) (Entered: 05/26/2005)

05/26/2005	● <u>35</u>	PLEA AGREEMENT as to Julian Jamal Smith with Factual Resume (mbp,) (Entered: 05/27/2005)
05/27/2005	● <u>36</u>	Order on Guilty Plea entered by Julian Jamal Smith Guilty Count 2,5. Court Reporter Mary Frances Giattina. Sentencing set for 9/12/2005 09:30 AM in Courtroom 2A before Judge William H. Steele. Presentence Investigation Report due 8/8/2005. Position with Respect to Sentencing Factors due 8/29/2005. Signed by Judge William H. Steele on 5/27/05.Copies to parties 5/27/05 (mbp,) (Entered: 05/27/2005)
08/04/2005	<u>45</u>	(Court only) Criminal Fine Improvments Sheet as to Julian Jamal Smith (bpf) (Entered: 08/04/2005)
09/07/2005	● <u>48</u>	MOTION to Postpone Sentencing by Julian Jamal Smith. Referred to Judge Steele 9/8/05(mbp,) (Entered: 09/08/2005)
09/07/2005	● <u>49</u>	POSITION regarding sentencing factors filed by USA as to Julian Jamal Smith without objections (mbp,) (Entered: 09/08/2005)
09/08/2005	● <u>47</u>	*SEALED* PRESENTENCE INVESTIGATION REPORT and Sentencing Recommendation as to Julian Jamal Smith. (Attachments:, # (1) Addendum, # (2) Recommendation)(bpf). Modified on 9/19/2005 (bpf). (Entered: 09/08/2005)
09/08/2005	●	REFERRAL OF <u>48</u> MOTION to Postpone Sentencing as to Julian Jamal Smith to Judge Steele (mbp,) (Entered: 09/08/2005)
09/08/2005	● <u>50</u>	Position re: Sentencing Factors <u>49</u> filed by USA, endorsed NOTED. (Steele, William) (Entered: 09/08/2005)
09/08/2005	● <u>51</u>	ORDER granting <u>48</u> Motion to Postpone Sentencing as to Julian Jamal Smith. Sentencing reset for 11/18/2005 10:00 AM in Courtroom 2A before Judge William H. Steele. Signed by Judge William H. Steele on 9/8/05.Copies to parties 9/8/05 (mbp,) (Entered: 09/08/2005)
11/08/2005	● <u>52</u>	Unopposed MOTION to Postpone Sentencing by USA as to Julian Jamal Smith. (Cherry, John) (Entered: 11/08/2005)
11/08/2005	●	REFERRAL OF <u>52</u> Unopposed MOTION to Postpone Sentencing as to Julian Jamal Smith to Judge Steele (mbp,) (Entered: 11/08/2005)
11/08/2005	● <u>53</u>	ORDER granting <u>52</u> Motion to Postpone Sentencing as to Julian Jamal Smith. The Sentencing Hearing is reset for 2/22/2006 at 09:00 AM in Courtroom 2A before Judge William H. Steele. Signed by Judge William H. Steele on 11/8/05. Copies to parties 11/8/05 (mbp,) (Entered: 11/08/2005)
02/22/2006	●	Minute Entry for proceedings held before Judge William H. Steele :Sentencing set on 2/22/2006 but CONTINUED to 4/24/06 at 10:00 a.m. for Julian Smith. Court Reporter Mary Frances Giattina. (mbp,) (Entered: 02/22/2006)

02/24/2006	● <u>54</u>	ORDER as to Julian Jamal Smith entered that Defendant's request for a continuance of the sentencing hearing is GRANTED. The Sentencing Hearing is reset for 4/24/2006 at 10:00 AM in Courtroom 2A before Judge William H. Steele. Signed by Judge William H. Steele on 2/23/06. Copies to parties 2/24/06 (mbp,) (Entered: 02/24/2006)
04/24/2006	●	Minute Entry for proceedings held before Judge William H. Steele :Sentencing held on 4/24/2006 for Julian Jamal Smith, Count(s) 1 and 4 are Dismissed on Government's Motion. Sentence imposed on Counts Two and Five as follows: Defendant is hereby committed to the BOP for a term of 30 MONTHS as to Counts Two and Five; said terms to run concurrently. It is recommended to the BOP that defendant participate in residential, comprehensive substance abuse treatment while incarcerated and that he be incarcerated as close to his family in Alabama as possible. SRT THREE (3) as to Counts Two and Five; said terms to run concurrently. Special Conditions: defendant is to participate in a program of testing and treatment for drug and/or alcohol abuse as directed by the Probation Office. SA \$200.00. Court Reporter Mary Frances Giattina. (mbp,) (Entered: 04/24/2006)
05/04/2006	● <u>55</u>	JUDGMENT as to Julian Jamal Smith entered. Count(s) 1 and 4 are Dismissed on Government's Motion. Sentence imposed on Count(s) 2 and 4 as follows: Defendant is hereby committed to the BOP for a term of 30 MONTHS as to Counts Two and Five; said terms to run concurrently. It is recommended to the BOP that defendant participate in residential, comprehensive substance abuse treatment while incarcerated and that he be incarcerated as close to his family in Alabama as possible. SRT THREE (3) as to Counts Two and Five; said terms to run concurrently. Special Conditions: defendant is to participate in a program of testing and treatment for drug and/or alcohol abuse as directed by the Probation Office. SA \$200.00. Signed by Judge William H. Steele on 5/4/06. Copies to parties 5/4/06(mbp,) (Entered: 05/04/2006)
10/31/2006	● <u>67</u>	Judgment Returned Executed as to Julian Jamal Smith on 10/3/06 Deft. delivered to FCC Yazoo. (cwr,) (Entered: 10/31/2006)
07/10/2007	● <u>79</u>	Probation Jurisdiction Transferred to Middle District of Alabama as to Julian Jamal Smith Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. (cwr) (Entered: 07/10/2007)